

CONSERVATION EASEMENT

STATE OF FLORIDA:

COUNTY OF LEON:

THIS CONSERVATION EASEMENT is hereby made on this 7th day of SEPTEMBER, 2005, by FARAWAY FARM, LLC, whose mailing address is 3303 THOMASVILLE RD, TALLAHASSEE, FL 32308 hereinafter referred to as the "Grantor," to LEON COUNTY, FLORIDA, a political subdivision of the State of Florida, whose mailing address is Board of County Commissioners, 301 South Monroe Street, Tallahassee, Florida 32301, hereinafter referred to as the "Grantee."

WITNESSETH:

For and in consideration of the mutual promises and other good and valuable consideration as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant to the Grantee, its successors and assigns, a perpetual Conservation Easement in accordance with Section 704.06, Florida Statutes, over and across the real property more particularly described on Exhibit "A", which is attached hereto and expressly incorporated herein, on the terms and conditions hereinafter set forth:

The following activities are prohibited within this easement, pursuant to Section 704.06, Florida Statutes:

1. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures above or on the ground.
2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.
3. Removal or destruction of trees, shrubs, or other vegetation.
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such matter as to affect the surface.
5. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife conservation habitat preservation.
7. Acts or uses detrimental to such retention of land or water areas.
8. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archeological, or cultural significance.

Notwithstanding the foregoing, the Grantor shall be permitted to perform the activities set forth in the plan attached hereto as Exhibit "B", which also addresses other conditions of this easement.

It is understood that the granting of this easement entitles the Grantee to enter the above-described land in a reasonable manner and at reasonable times to assure compliance with the conditions of this easement.

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Grantor hereby fully warrants the title to said real property and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good rights and lawful authority to grant this easement and that the same is unencumbered. Where the context of this easement requires, allows or permits, the same shall include the successors or assigns of the parties.

The easement granted hereby shall run with the land and shall enure to the benefit of the Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantor has caused these covenants to be executed and its seal to be affixed hereto on the day and year first above written.

GRANTOR

FARAWAY FARM, LLC, a Florida Limited Liability Company
(Name of Partnership Typewritten)

Lawrence Hartung
(Signature of Acknowledging Partner or Agent)

LAWRENCE J. HARTUNG
(Print Name of Acknowledging Partner or Agent)

WITNESSES:

Mary Preston
(Sign)
MARY PRESTON
(Print Name)

Richard Darab
(Sign)
RICHARD DARAB
(Print Name)

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 7th day of September, 2005, by Lawrence Hartung

(name of acknowledging partner or agent)

partner (or agent) on behalf of Foraway Farm, LLC, a partnership. He/she
(name of partnership)

is personally known to me, or has produced _____ as identification.
(type of identification)

(Signature of Notary)

Virginia Ann Simpler

(Print, Type or Stamp Name of Notary)

Virginia Ann Simpler

(Title or Rank)

Secretary

(Serial Number, If Any)



Virginia Ann Simpler
Commission # DD386225
Expires March 12, 2009
Bonded Troy Fahn - Insurance, Inc. 800-365-7019

This Document Prepared by: Herbert W.A. Thiele, Esq., County Attorney
Leon County Attorney's Office
Suite 202, 301 South Monroe Street
Tallahassee, Florida 32301

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FARAWAY FARMS SOUTH - EXHIBIT 'A'

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LEGAL DESCRIPTION

CONSERVATION EASEMENT "A"

Commence at a railroad iron marking the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 1 North, Range 2 East, Leon County, Florida, thence North 89 degrees 04 minutes 01 seconds East 627.45 feet, thence South 00 degrees 27 minutes 39 seconds West 441.48 feet, thence East 37.02 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North a distance of 32.81 feet, thence run North 83 degrees 43 minutes 15 seconds East a distance of 70.11 feet, thence run South 82 degrees 34 minutes 25 seconds East a distance of 419.93 feet, thence run South 70 degrees 58 minutes 18 seconds East a distance of 75.63 feet, thence run South 31 degrees 48 minutes 12 seconds West a distance of 39.25 feet, thence run North 86 degrees 49 minutes 10 seconds West a distance of 274.10 feet, thence run North 78 degrees 47 minutes 53 seconds West a distance of 189.41 feet, thence run West a distance of 77.43 feet, thence run North a distance of 19.81 feet, to the POINT OF BEGINNING, said lands containing 0.77 acres, more or less.

CONSERVATION EASEMENT "B"

Commence at a railroad iron marking the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 1 North, Range 2 East, Leon County, Florida thence North 89 degrees 04 minutes 01 seconds East 627.45 feet, thence South 00 degrees 27 minutes 39 seconds West 682.25 feet, thence South 44 degrees 21 minutes 49 seconds West 421.10 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run South 10 degrees 54 minutes 53 seconds East a distance of 205.12 feet, thence run North 71 degrees 22 minutes 08 seconds West a distance of 353.50 feet, thence run North 01 degrees 59 minutes 02 seconds West a distance of 121.15 feet, thence run North 69 degrees 48 minutes 48 seconds East a distance of 62.65 feet, thence run North 51 degrees 39 minutes 04 seconds East a distance of 41.57 feet, thence run North 22 degrees 46 minutes 44 seconds East a distance of 75.56 feet, thence run South 75 degrees 57 minutes 08 seconds East a distance of 45.51 feet, thence run South 49 degrees 31 minutes 03 seconds East a distance of 171.21 feet, thence run South 10 degrees 54 minutes 53 seconds East a distance of 27.99 feet, to the POINT OF BEGINNING, said lands containing 1.61 acres, more or less.

CONSERVATION EASEMENT "C"

Commence at a railroad iron marking the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 1 North, Range 2 East, Leon County, Florida thence South 00 degrees 36 minutes 03 seconds West 1322.10 feet, thence North 89 degrees 14 minutes 37 seconds East 33.88 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 45 minutes 23 seconds West a distance of 212.06 feet, thence run South 71 degrees 22 minutes 08 seconds East a distance of 380.93 feet, thence run South 00 degrees 45 minutes 23 seconds East a distance of 85.61 feet, thence run South 89 degrees 14 minutes 37 seconds West a distance of 359.33 feet, to the POINT OF BEGINNING, said lands containing 1.23 acres, more or less.

SYMBOLS & ABBREVIATIONS

Δ - CENTRAL ANGLE	S.R. - OFFICIAL RECORD BOOK
AC - ACRES ±	PG. - PAGE
CH - CHORD	P.O.B. - POINT OF BEGINNING
D.B. - DEED BOOK	P.O.B. - POINT OF BEGINNING
FCM - FOUND CONCRETE MONUMENT	R - RADIUS OR RANGE
FM - FOUND IRON ROD	R/L - RIGHT OF WAY
(5/8" UNLESS NOTED)	SCM - SET CONCRETE MONUMENT
FLRM - FLOOD INSURANCE RATE MAP	(1" X 4") UNLESS NOTED
FIP - FOUND IRON PIPE	SEC - SECTION
FPP - FOUND PNEUMATIC IRON PIPE	SM - SET 5/8" IRON ROD/CAP
FM - FOUND NAIL AND CAP	SM - SET NAIL AND CAP
L - ARC LENGTH	UNREC - UNRECORDED
LB - LICENSED BUSINESS	N.C.V.D. - NATIONAL GEODETIC VERTICAL DATUM

I HEREBY CERTIFY THAT THIS SKETCH WAS PERFORMED UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THE PLAT AND DESCRIPTION ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE SKETCH MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING AS ESTABLISHED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS (F.A.C. 61G17-6).

Alan D. Platt
ALAN D. PLATT, P.L.S.
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSED No. 4684

7-28-2005

DATE SIGNED

5-13-2004

DATE SKETCHED

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. THIS SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY. IT IS POSSIBLE THERE ARE OTHER DEEDS, EASEMENTS, ETC., RECORDED OR UNRECORDED, THAT MAY AFFECT THE BOUNDARIES.
3. RECORD, DEED, AND COMPUTED MEASUREMENTS ARE SHOWN IN PARENTHESIS

DRAWING

7795-LP2

PROJECT

7795

SKETCH OF LEGAL DESCRIPTION OF

EXHIBIT "A":

CONSERVATION EASEMENT IN
40.82± ACRE PARCEL IN
SECTION 27, TOWNSHIP 1 NORTH, RANGE 2
EAST, LEON COUNTY, FLORIDA

A.D. Platt
& ASSOCIATES, INC.

458 JOHN KNOX ROAD, TALLAHASSEE, FL 32303
PHONE: (850) 386-1038 FAX: (850) 386-1108
LICENSED BUSINESS No. 8590

CERTIFIED TO:
FARAWAY FARM, LLC
BRANCH BANKING & TRUST COMPANY
WILLIAMS, GAUTIER, GWYNN & DELOACH, P.A.
ATTORNEYS' TITLE INSURANCE FUND, INC.

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EXHIBIT "B"

SPECIAL ACTIVITIES

The purpose of this plan is to prevent erosion of steep slopes while maintaining native vegetation and controlling invasive exotic plants. This plan also allows for control of nuisance or weedy native plants in order to encourage development of a healthy forest community. To achieve these goals, vegetation management activities within the conservation easement may include the techniques listed below. Any deviation from the activities listed must be approved by the Leon County Growth and Environmental Management (LCGEM) Department.

Control and Eradication of Invasive Exotic Plant Species

- 1) Invasive exotic species are recognized as those listed by the Florida Exotic Pest Plant Council on their List of Invasive Species or its successor. Any additional invasive exotic plant species proposed to be treated or removed must first be approved by LCGEM.
- 2) Small plants may be pulled from the ground by hand. For larger plants that aren't easily pulled by hand, any obvious clusters of fruits or seeds may be clipped from their tops. These plants along with their fruits and seed parts must be placed in plastic garbage bags and disposed of in a landfill. Attention should be made to ensure that any plant materials, including fruits or seeds, are not dispersed into other areas during removal from the site.
- 3) Large shrubs or extensive patches which cannot be managed by hand may be treated with an herbicide designed for such purposes and must be used in accordance with the manufacturer's directions. LCGEM should be contacted with questions regarding the specific types of herbicides to use and appropriate methods of treatment.

Control of Native Nuisance Plant Species

- 1) Native nuisance species shall be recognized as catbriar (*Smilax spp.*), grapevine (*Vitis spp.*), blackberry (*Rubus spp.*), virginia creeper (*Parthenocissus quinquefolia*), trumpet vine (*Campsis radicans*), poison ivy (*Toxicodendron radicans*), and poison oak (*Toxicodendron toxicarium*)
- 2) Plants may be pulled from the ground by hand, clipped, or if absolutely necessary treated with an appropriate herbicide as described in #3 above.